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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/928,173	08/09/2001	Trung Tri Doan	500084.05	6812

27076 7590 10/04/2004

DORSEY & WHITNEY LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
SUITE 3400  
1420 FIFTH AVENUE  
SEATTLE, WA 98101

EXAMINER

MORGAN, EILEEN P

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/928,173

**Applicant(s)**

DOAN ET AL.

**Examiner**

Eileen P Morgan

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 89-94 and 99-110 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-94, 99-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Claim Rejections - 35 USC 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 89-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Crevasse et al.-6,261,958 or Bowman et al.-6,244,941, alone) or in view of Horowitz '261. Both references disclose attaching a support/pad to a platen through the use of electromagnetic attractive force. The references do not use 'electrostatic' force. However, it would have been obvious to one of ordinary skill in the art at time invention was made to substitute electromagnetic force with electrostatic force since examiner takes Official Notice of the equivalence of electrostatic and electromagnetic forces for their use in the gripping art and the selection of any of these known equivalents to hold a planarizing medium on a platen would be within the level of ordinary skill in the art. Applicant also discloses that either type of force would work equally well.

In addition, in Horowitz-'261, electrostatic attraction is taught to hold one item against another and the advantages of using such force is given. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use electrostatic forces in the

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device disclosed by Crevasse or Bowman, as taught by Horowitz-□261, since both are known for reliability, nonbreakage, and no edge exclusion.

3. Claim 99 rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman et al.-6,244,941, alone)or in view of Horowitz-'261.

Bowman discloses attaching a support/pad to a platen through the use of electromagnetic attractive force and a locking device (344,342). Bowman does not use 'electrostatic' force. However, it would have been obvious to one of ordinary skill in the art at time invention was made to substitute electromagnetic force with electrostatic force since examiner takes Official Notice of the equivalence of electrostatic and electromagnetic forces for their use in the gripping art and the selection of any of these known equivalents to hold a planarizing medium on a platen would be within the level of ordinary skill in the art. Applicant also discloses that either type of force would work equally well.

In addition, in Horowitz-□261, electrostatic attraction is taught to hold one item against another and the advantages of using such force is given. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use electrostatic forces in the device disclosed by Bowman, as taught by Horowitz-□261, since both are known for reliability, nonbreakage, and no edge exclusion..

4. Claims 100-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Crevasse et al.-6,261,958 or Bowman et al.-6,244,941) in view of Horowitz-□261.

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Both references disclose attaching a support/pad to a platen through the use of electromagnetic attractive force by using a conductive material on the pad and an attractive force within the platen. However, the references do not disclose having a plurality of conductive pieces within the support/pad. Horowitz-□261 teaches electrostatic attraction to hold one item against another by using a plurality of conductive pieces in one item. Electrostatic and electromagnetic forces are deemed functional equivalents. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use a plurality of conductive pieces, as taught by Horowitz-□261, in the pad/support disclosed by Crevasse or Bowman in order to use less conductive material and preserve the lifetime of the conductive material. In regard to claims 103,104,108, the placement of the conductive pieces would be an obvious design expedient.

### *Response to Arguments*

5. Applicant's arguments with respect to claims 89-94,99-110 have been considered but are not persuasive to overcome the prior art rejection.

Arguments drawn to the 'Finality' are moot in view of the RCE filing. On page 7, Applicant argues that Crevasse does not disclose a plurality of conductive pieces nor retaining a pad to a platen by the use of 'electromagnetic' forces. However, Crevasse clearly discloses electromagnetic forces to attract the pad to the platen. Horowitz is used to teach conductive particles in a combination rejection which is not addressed in this argument. Applicant argues the same for the Bowman reference. Again the conductive pieces are taught by Horowitz, as well as the electrostatic forces. In regard to arguments drawn to equivalents, Applicant discloses that both methods work favorably and even amended the claims to recite 'electrostatic' over the

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previous recitation of 'electromagnetic'. Even though there are different advantages, this does not deem them 'unequivalent'. In regard to the combination rejection over Horowitz, the rejection is based on substituting one attractive force for the other, not generating an electromagnetic force with electrostatic forces. In regard to arguments on page 9, Horowitz is only relied upon to teach electrostatic forces and to put a plurality of conductive particles in the support.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. Morgan whose telephone number is (703) 308-1743.

EM

September 30, 2004



EILEEN P. MORGAN  
PRIMARY EXAMINER